

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Prior U.S. Patent Application of)

Arnold C. Bilstad, et al.)

For: METHOD AND APPARATUS FOR)
MANIPULATING PRE-STERILIZED)
COMPONENTS IN AN ACTIVE)
STERILE FIELD)

Examiner: I. Soubra

Primary Ex.: Robert Warden

Group Art Unit: 1744

Prior Application No.: 09/294,964)

CPA Application Filed: October 4, 2001)

#18
RECEIVED
OCT 22 2001
TC 1700

**REQUEST BY APPLICANT FOR
INTERFERENCE WITH PATENT
IN ACCORDANCE WITH 37 CFR 1.607**

RECEIVED

OCT 19 2001

BOX INTERFERENCE
Commissioner for Patents
Washington, D.C. 20231

BOARD OF PATENT APPEALS
AND INTERFERENCES

Dear Sir:

Pursuant to 37 C.F.R. 1.607(a), the Applicants seek to have an Interference declared between the present application and an unexpired patent by presenting the following:

(1) U.S. Patent No. 6,140,657 to Wakalopolus, et al. issued on October 31, 2000.

(2) Proposed Count:

(a) Either the apparatus of Claim 1 of U.S. Patent 6,140,657 or the method of Claim 1 of the present application;

or, alternatively

(b) Either the apparatus of Claim 1 of U.S. Patent 6,140,657 or the apparatus of Claim 46 of the present application;

or, alternatively

(c) Either the apparatus of Claim 1 of U.S. Patent 6,140,657 or the apparatus of Claim 57 of the present application.

**METHOD AND APPARATUS FOR MANIPULATING
PRE-STERILIZED COMPONENTS IN AN ACTIVE
STERILE FIELD**

Page 2

- (3) With respect to the U.S. Patent No. 6,140,657, independent Claims 1, 11, and 18, including all embodiments set forth in dependent Claims 2-10 and 12-17, correspond to the proposed count.
- (4) With respect to the present application the following claims correspond to the alternatively stated proposed counts above: at least Claim 1 corresponds to the proposed count of (2)(a); at least Claim 46 corresponds to the proposed count of (2)(b); at least Claim 57 corresponds to the proposed count of (2)(c).
- (5) Claim 57 was not originally presented in the application, but rather has been added by the Preliminary Amendment filed on October 4, 2001. Support for the terms of this claim can be found in the application as follows:

Term: *A sterilization apparatus comprising*

Support: "...apparatus for joining plastic components in a sterile manner." (Page 6, lines 6-7)

Term: *an electron beam tube having a window permitting emergence of an electron beam from said tube into an ambient gaseous environment while preserving a vacuum environment in the tube,*

Support: Figure 4 illustration of electron beam tube; "Tube 54 comprises a vacuum tube 55" (Page 7, lines 20-21); "Opposite base 57 is a thin film window 59 which discharges the electron beam" (Page 7, lines 22-23).

Term: *the electron beam having a trajectory within a plasma cloud defining a reactive volume stimulated by interaction of the electron beam with the ambient environment, with a beam energy less than 100 KV at the target, and*

Support: Figures 3B-3D, 6C, 8C, and Figure 9; "... spherical-shaped e-beam field 60" (Page 8, line2); "... operating at a relatively low voltage, within the range of about 30KeV to about 100KeV." (Page 6, lines 23-24). "Tube 54. . . operates at about 60 KeV." (Page 7, lines 28-29).

Term: *a moveable member manipulating objects in a plurality of directions within the reactive volume wherein the manipulated objects are sterilized.*

**METHOD AND APPARATUS FOR MANIPULATING
PRE-STERILIZED COMPONENTS IN AN ACTIVE
STERILE FIELD**

Page 3

Support: Figures 3A-3D, 5A-5B, 6A-6D, 8A-8D, and 9; "Connection of the opened ends together while still within the e-beam field 60 may be achieved in a variety of ways . . . pair of automated clamps 70, 71 which engage a portion of components 10, 12 Upon rotation of tabs 72, 73 in direction of arrows (C, D) ends 14 . . . are exposed within the e-beam field . . .to sterilize the surface of the ends" (Page 8, line 22 to Page 9, line 2).

Additional support for the remaining claims can be found throughout the specification and drawings of the present application. No new matter has been added.

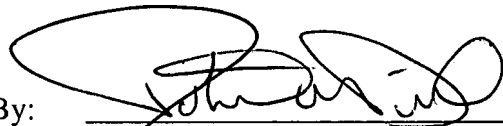
- (6) All Claims presented under paragraph (a)(4) above were present in the application prior to one year after the issue date of the '657 patent.

A statement by Applicant's attorney of record alleging that a basis upon which the Applicants are entitled to a judgment relative to the patentee in accordance with 37 C.F.R. 1.608(a) is being filed as a separate document.

Respectfully submitted,

Dated: October 15, 2001

By:

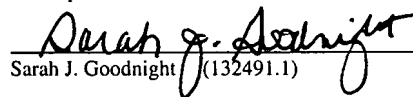


Robert W. Diehl, Reg. No. 35,118
WALLENSTEIN & WAGNER, LTD.
311 South Wacker Drive, 53rd Floor
Chicago, IL 60606-6622
Tel: 312-554-3300

Attorneys for Applicants

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: BOX INTERFERENCE, Commissioner of Patents, Washington, D.C. 20231 on October 15, 2001.


Sarah J. Goodnight (132491.1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Prior U.S. Patent Application of)
Arnold C. Bilstad, et al.)

For: METHOD AND APPARATUS FOR)
MANIPULATING PRE-STERILIZED)
COMPONENTS IN AN ACTIVE)
STERILE FIELD)

Examiner: I. Soubra

Group Art Unit: 174

Prior Application No.: 09/294,964)

Prior Application Filed: April 20, 1999)

STATEMENT PURSUANT TO RULE 608(a)

BOX INTERFERENCE
Commissioner for Patents
Washington, D.C. 20231

RECEIVED
OCT 19 2001
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants' earliest effective filing date is April 20, 1999. The earliest effective filing date of U.S. Patent No. 6,140,657 is March 17, 1999.

Pursuant to Title 37, Code of Federal Regulations, §1.608(a), the undersigned avers that the present application has an effective filing date three months or less after the effective filing date of U.S. Patent No. 6,140,657.

The undersigned also avers that in an interference between the Applicants and Patentee, there is a basis upon which Applicants are entitled to a judgment relative to the Patentee.

Respectfully submitted,

Dated: October 15, 2001

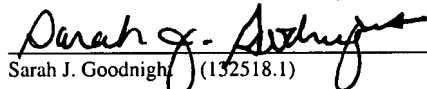
By: 

Robert W. Diehl, Reg. No. 35,118
WALLENSTEIN & WAGNER, LTD.
311 South Wacker Drive, 53rd Floor
Chicago, IL 60606-6622
Tel: 312-554-3300

Attorneys for Applicants

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: BOX INTERFERENCE, Commissioner of Patents, Washington, D.C. 20231 on October 15, 2001.


Sarah J. Goodnight (132518.1)